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8 Attorneys for Plaintiff Mark R Ciabattari and all
9 others similarly situated

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 Mark R Ciabattari, and all other persons) Case No. C-05-04289 SC
13 similarly situated,)
14 Plaintiffs,) Third Stipulation Continuing Plaintiff's Motion
15 vs.) to Remand this Action to the Superior Court,
16 Toyota Motor Sales, U.S.A., Inc., a California) Defendant Toyota Motor Sales, U.S.A., Inc.'s
17 corporation, et al,) Motion to Dismiss, and Defendant Goodyear
Defendants.) Dunlop Tires North America, Ltd's Motion to
Dismiss or, Alternatively, to Strike Portions of
the Plaintiff's Complaint and (proposed) Order
)

18 Whereas, plaintiff has pending a motion to remand this action to the Superior Court;

19 Whereas, defendant Toyota Motor Sales, U.S.A., Inc. has pending a motion to dismiss
20 this action;

21 Whereas, defendant Goodyear Dunlop Tires North America, Ltd. has pending a motion to
22 dismiss or, alternatively, to strike portions of the plaintiff's complaint;

23 Whereas, memoranda in opposition to each of these motions has been filed;

24 Whereas, there have been two previous stipulations to continue the hearing date for these
25 motions;

26 Whereas, each of these motions is currently set to be heard on April 7, 2006;

1 Whereas, currently the last day to meet and confer re initial disclosures, early settlement,
2 ADR process selection and discovery plan and to file Joint ADR Certification with Stipulation to
3 ADR process or Notice of Need for ADR Phone Conference is April 14, 2006;

4 Whereas, the last day to serve initial disclosures or state any objection to Rule 26(f)
5 Reports, to file the Case Management Statement, and to file Rule 26(f) Reports is April 28, 2006;

6 Whereas, the Case Management Conference is currently set for May 12, 2006;

7 Whereas, on February 8, 2006, plaintiff joined with plaintiffs in similar class actions
8 pending in federal district courts in Connecticut, New York, New Jersey, Illinois and Florida
9 filed a motion to have all the cases transferred to a single district court and coordinated and
10 consolidated for pretrial purposes under 28 U.S.C. § 1407, to which motion defendants have
11 acquiesced;

12 Whereas, on March 15, 2006, counsel for the plaintiffs in this and in the Connecticut,
13 New York, New Jersey, Illinois and Florida actions met with counsel for each of the defendants
14 in San Francisco to discuss a nationwide settlement;

15 Whereas, the parties need more time to either reach a memorandum of understanding on
16 settlement of these actions or to determine if settlement is not possible at this stage of the
17 proceedings;

18 IT IS HEREBY STIPULATED, by and between counsel, that the pending motions may
19 be continued to Friday, June 16, 2006, at 10:00 AM, and that the parties' respective reply
20 memoranda shall filed and served 14 days before the hearing date.

21 IT IS FURTHER STIPULATED that the last day to meet and confer re initial
22 disclosures, early settlement, ADR process selection, and discovery plan shall be June 23, 2006;
23 the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need
24 for ADR Phone Conference shall be June 23, 2006;
25

1 IT IS FURTHER STIPULATED that the last day to serve initial disclosures or state any
2 objection to the Rule 26(f) Report, to file the Case Management Statement, and to file the Rule
3 26(f) Report shall be June 30, 2006; and

4 IT IS FURTHER STIPULATED that the Case Management Conference shall be held on
5 either Friday, July 7, 2006, at 10:00 AM or such date thereafter as may be convenient to the
6 Court.

7 Dated: March 17, 2006. KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

8
9 By /s/ Mark F Anderson
10 Mark F Anderson
11 Attorney for Plaintiff & the Class

12 Dated: March 20, 2006.

13 WILSON, ELSEY, MOSKOWITZ, EDELMAN,
14 & DICKER LLP

15 By /s/ Christine Starkie
16 Christine Starkie
17 Attorney for Defendant Goodyear Dunlop
Tires North America, Ltd.

18 Dated: March 17, 2006.

19 O'MELVENY & MYERS LLP

20 By /s/ Thomas M Riordan
21 Thomas M Riordan

22
23 **Order Continuing Motions & Resetting Case Schedule**

24 Based upon the parties' stipulation and for good cause shown, the hearing on the motions
25 referenced above shall be continued to Friday, June 16, 2006, at 10:00 AM; the last date to meet
26 and confer re initial disclosures, early settlement, ADR process selection, and discovery plan
27 shall be June 23, 2006; the last day to file Joint ADR Certification with Stipulation to ADR

1 process or Notice of Need for ADR Phone Conference shall be June 23, 2006; the last day to
2 serve initial disclosures or state objection to Rule 26(f) Report, to file the Case Management
3 Statement, and to file the Rule 26(f) Report shall be June 30, 2006; and the Case Management
4 Conference shall be held on July 7, 2006.

5 Dated: March 20, 2006.
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